

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of April 16, 2015

Board Members Present:

Board Chairman: Tracy Cagan, RCP

Vice Chairman: Jose Gonzales, RCP

Jeannette Kieffer, RCP

Chuck Ramirez, RCP

Michelle O'Hair-Schattenberg, Esq.

Board Members Absent:

Nicholas Walters, Esq.

Staff Present:

Executive Director:
Jack Confer

David Geriminsky

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG

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Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of April 16, 2015

CALL TO ORDER

The Meeting was called to order at 9:04AM by Chairman Cagan.
Board Member Ramirez arrived at 9:08AM.

CONSENT AGENDA

There being no items requested to be removed, a motion was made to approve all items on the Consent Agenda.

MOTION:

Board Member O'Hair-Schattenberg to approve with a correction to C-6. Seconded by Vice Chairman Gonzales.

VOTE:

Motion passed (5-0).

C-1 APPROVAL OF MINUTES

Recommended for approval

Regular Session Minutes for March 19, 2015

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Initial License

Recommended for approval by the Executive Director

Sarah Amsberry	Andrea Berg	Elizabeth Gray	Michelle Knowles
Aaron Lai	Sonia Leon	Brandy Mock	Julie Sedgwick
Haydn Shea	Ivan Peralta	Nancy Heras	Derek Pagsolingan
Teresa Chavez			

ii. Temporary License

Recommended for approval by the Executive Director

Andrea Bonney	Barrett Brown	Tianna Williams	Teresa Chavez
Keisha Cox	Irmela Fischer	Christopher Fite	Nancy Heras
Brett Ingebretsen	Gabrielli Lorenger	Romana Malik	Matthew Manheimer
Philip Nelson	Ranko Pepic	Terri-Lynne Reeber	Shelby Seifers

ii. Re-Application for Licensure

Recommended for Ratification by the Executive Director

Steven Geiger

C- 3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Brian Christie	Lisa Brown	Carmen Kasmauski	Brian Faix
Virginie Bance			

C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Lynn Arkilic	Maegan Arrowwood	Kristina Avendano	Teresa Baker
Liza Borsane	Christine Chapman	Rodney Cleverley	Kieran Cox
Barbara Fontaine	Victoria Foulkrod	Timothy Harmon	Pedro Herrera
Isabelle Hilton-Papadimitriou	Daniel Holahan	Catherine Jones	Radha Labelle
Robert Maloney	Carrie Matynka	Inecilia Medrano	Patrick New
Janjira Pallanes	Rosalynn Redmond	Jason Rosales	Carrie Saldin
Gary Shade	Dennis Sorkin	Synthia Stubbs	Carmelita Victor
Zachary White	Manuella Wilson		

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of Temporary License Expirations to the following individuals:

Jeffrey Kincaid

Recommend sending notice of Temporary License Expirations to the following individuals:

Jennifer Huston	Matthew Barnes	Johanna Arguello	Kim Johnson
Tiffany Burriss	Robert Cheever	Iralee Basile-Beck	Mark Burzawa
Jenna Forsythe	Kathryn Hughes		

C-6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Christopher Bermudez	Elizabeth Brooks	Peggy Cameron	Emily Cline
Eric Davis	Carrie Grace	Heather Petersen	Sandra Sandusky
Richard Woods			

C -7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, May 21, 2015 at 9:00 AM.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. William G. Romero Case Number C003329-15-006783
Chairman Cagan announced the case and commenced the hearing at 9:15AM. RCP Romero was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O'Hair-Schattenberg to adopt the Findings of Fact in the Notice of Hearing. Seconded by Board Member Ramirez.

ROLL CALL VOTE: Motion passed (5-0).

MOTION: Board Member O'Hair-Schattenberg to adopt the Conclusions of Law in the Notice of Hearing. Seconded by Board Member Kieffer.

ROLL CALL VOTE: Motion passed (5-0).

MOTION: Board Member O'Hair-Schattenberg to Revoke license #006783 held by William Romero. Seconded by Board Member Ramirez.

VOTE: Motion passed (5-0).

2. Tripp, Kristin Case Number C003236-15-008646
Chairman Cagan announced the case and commenced the interview at 9:35AM. RCP Tripp was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O'Hair-Schattenberg to adopt the Findings of Fact. Seconded by Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (5-0).

MOTION: Board Member O'Hair-Schattenberg to adopt the Conclusions of Law. Seconded by Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (5-0).

MOTION:

Board Member O'Hair-Schattenberg to issue a Decree of Censure. Seconded by Board Member Kieffer.

ROLL CALL VOTE:

Motion passed (3-2). Vice Chairman Gonzales and Board Member Ramirez voted nay.

3. Fischer, Tanachia

Case Number C003273-15-010264

Chairman Cagan announced the case and commenced the interview at 10:38AM. RCP Fischer was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION:

Board Member O'Hair-Schattenberg to enter Executive Session to review confidential patient records at issue in this matter. Seconded by Board Member Kieffer.

VOTE:

Motion passed (5-0).

The Board entered into Executive Session at 11:08AM. The Board returned to Open Session at 11:36AM.

The Board held further discussion and considered the matter.

MOTION:

Board Member O'Hair-Schattenberg to adopt the Findings of Fact as alleged in the Complaint and Notice of Hearing. Seconded by Board Member Kieffer.

ROLL CALL VOTE:

Motion passed (5-0).

MOTION:

Board Member O'Hair-Schattenberg to adopt the Conclusions of Law as stated in the Complaint and Notice of Hearing. Seconded by Board Member Kieffer.

ROLL CALL VOTE:

Motion passed (5-0).

MOTION:

Board Member O'Hair-Schattenberg to Revoke license #010264 held by Tanachia Fischer. Seconded by Board Member Kieffer.

VOTE:

Motion passed (5-0).

R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Blankinship, Heather

Case Number C003292-15-008881

Chairman Cagan announced the case and commenced the interview. RCP Blankinship was not present. Investigator Geriminsky presented a summary of the case.

MOTION:

Vice Chairman Gonzales to refer this matter to a Formal Hearing. Seconded by Board Member Ramirez.

VOTE:

Motion passed (5-0).

2. Dominice, Nicholas

Case Number C003280-15-001860

Chairman Cagan announced the case and commenced the interview. RCP Dominice was present and represented by his legal counsel, Michael Walz, Esquire. Investigator Geriminsky presented a summary of the case. RCP Dominice addressed the Board.

MOTION:

Board Member O'Hair-Schattenberg to enter Executive Session for legal advice from the Board's Attorney. Seconded by Board Member Ramirez.

VOTE:

Motion passed (5-0).

The Board held an Executive Session at 11:58AM. The Board returned to Open Session at 12:06PM.

MOTION:

Board Member Ramirez to issue a Letter of Concern. The motion died for lack of a second.

MOTION:

Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Kieffer.

VOTE:

Motion passed (3-2). Vice Chairman Gonzales and Board Member Ramirez voted nay.

3. Hurst, Kyle

Case Number C003248-14-008421

Chairman Cagan announced the case and commenced the interview. RCP Hurst was not present. Investigator Geriminsky presented a summary of the case.

MOTION:

Vice Chairman Gonzales to table this matter until further records can be obtained. Seconded by Board Member Kieffer.

VOTE:

Motion passed (4-1). Board Member Ramirez voted nay.

4. Klabbatz, Jordan

Case Number C003258-15-010707

Chairman Cagan announced the case and commenced the interview. RCP Klabbatz was not present. Investigator Geriminsky presented a summary of the case.

MOTION:

Board Member O'Hair-Schattenberg to offer RCP Klabbatz a Consent Order with the provision that if it is not signed within 60 days, the matter will be moved to a Formal Hearing. Seconded by Board Member Kieffer.

VOTE:

Motion passed (5-0).

5. Larson, David Case Number C003270-15-005583
Chairman Cagan announced the case and commenced the interview. RCP Larson was present. Board Member Kieffer recused herself from this matter. Investigator Geriminsky presented a summary of the case. RCP Larson addressed the Board.

MOTION: Board Member Ramirez to dismiss. Seconded by Board Member O'Hair-Schattenberg.
VOTE: Motion passed (4-0).

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

A. Allegations of Unprofessional Conduct

1. Greenwood, Elizabeth Case Number C003341-15-007560
Chairman Cagan announced the case. RCP Greenwood was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Greenwood addressed the Board.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board Member Ramirez.
VOTE: Motion passed (5-0).

2. Holmes, Heather Case Number C003286-15-009959
Chairman Cagan announced the case. RCP Holmes was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Ramirez to move this matter to an Informal Interview. Seconded by Vice Chairman Gonzales.
VOTE: Motion passed (5-0).

3. Oser, Jennifer Case Number C003334-15-006633
Chairman Cagan announced the case. RCP Oser was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Ramirez to dismiss. Seconded by Vice Chairman Gonzales.
VOTE: Motion passed (5-0).

4. Steiner, Desiray Case Number C003333-15-010960
Chairman Cagan announced the case. RCP Steiner was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Steiner addressed the Board.

MOTION: Board Member Kieffer to dismiss. Seconded by Vice Chairman Gonzales.

VOTE:

Motion passed (5-0).

5. Vigueras, Filipe

Case Number C003348-15-009383

Chairman Cagan announced the case. RCP Vigueras was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION:

Board Member O'Hair-Schattenberg to dismiss.
Seconded by Board Member Ramirez.

VOTE:

Motion passed (5-0).

6. Thomatis, Andre

Case Number C003364-15-011182

Chairman Cagan announced the case. RCP Thomatis was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Thomatis addressed the Board.

MOTION:

Vice Chairman Gonzales to dismiss. Seconded by
Board Member Ramirez.

VOTE:

Motion passed (5-0).

B. Possible Summary Suspension Pursuant To A.R.S. 32-3553(E)

1. Dale, Jason

Case Number C003366-15-011153

Chairman Cagan announced the case. RCP Dale was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Dale addressed the Board.

MOTION:

Board Member Kieffer to dismiss. Seconded by Board
Member O'Hair-Schattenberg.

VOTE:

Motion passed (3-2). Board Chairman Cagan and
Board Member Ramirez voted nay.

**R-5 CONSIDERATION AND ACTION ON POSSIBLE UNPROFESSIONAL
CONDUCT PURSUANT TO A.A.C. R4-45-211**

A. Cases Resulting from Audit

1. Jalbert, Melanie

Case Number C003359-15-007306

Chairman Cagan announced the case. RCP Jalbert was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION:

Board Member Kieffer to issue a non-disciplinary
consent agreement with a civil penalty of \$10.00 per
missing CEU and to complete all missing CEU's within
60 days. Seconded by Board Member O'Hair-
Schattenberg.

VOTE:

Motion passed (4-1). Board Member Ramirez voting
nay.

2. Kimmel, Sandy Case Number C003355-15-002755
Chairman Cagan announced the case. RCP Kimmel was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Board Member Ramirez to issue a non-disciplinary consent agreement with a civil penalty of \$10.00 per missing CEU hour and to complete all missing CEU's within 60 days. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (5-0).

B. Cases Recommended for Dismissal/Referral

1. Escalante, Iris Case Number C003343-15-007029
Chairman Cagan announced the case. RCP Escalante was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board Member Kieffer.

VOTE: Motion passed (5-0).

2. Flynn, Tracy Case Number C003356-15-003724
Chairman Cagan announced the case. RCP Flynn was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Ramirez.

VOTE: Motion passed (5-0).

3. Bricker, Kathryn Case Number C003353-15-007815
Chairman Cagan announced the case. RCP Bricker was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Board Member Ramirez to dismiss. Seconded by Board Member Kieffer.

VOTE: Motion passed (5-0).

4. Kiburz, Karen Case Number C003357-15-003754
Chairman Cagan announced the case. RCP Kiburz was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Kiburz addressed the Board.

MOTION: Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Kieffer.

VOTE: Motion passed (5-0).

5. Risner, Mark

Case Number C003358-15-006513

Chairman Cagan announced the case. RCP Risner was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION:

Board Member O'Hair-Schattenberg to dismiss.
Seconded by Board Member Ramirez.

VOTE:

Motion passed (5-0).

R-6 CONSIDERATION AND POSSIBLE ACTION ON PROBATION COMPLIANCE/STATUS/REVIEW AND/OR TERMINATION REQUEST

1. Guerrero, Gregory

Probationer Number P001055-14-001456

Chairman Cagan announced the case. RCP Guerrero was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION:

Board Member O'Hair-Schattenberg to find Probationer out of compliance and close the Probation File. Seconded by Board Member Kieffer.

VOTE:

Motion passed (5-0).

R-7 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE OR RENEWAL

1. Aquino, Troy

Case Number C003362-15-011435

Chairman Cagan announced the case. RCP Aquino was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Aquino addressed the Board.

MOTION:

Board Member Ramirez to Grant the license. Seconded by Board Member O'Hair-Schattenberg.

VOTE:

Motion passed (5-0).

R-8 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. FY 2014 Cash Flow Projection (March 2015)
2. FY 2014 Revenue, Expenditure, Financial Trends Report (March 2015)
3. Board Member Training Plan
4. Communication Plan SB1215
5. Continuing Education Policy
6. Customer Satisfaction Results
7. Investigation & Probation Status Report (April 2015)
8. Licensing Status Report (April 2015)

R-9 CALL TO THE PUBLIC

None

R-10 ITEMS TO BE PLACED ON A FUTURE AGENDA

None

R-11 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 2:08PM.

Dated this 18th day of June 2015



Jack Confer
Executive Director

FINAL